

REMARKS

Applicants submit this Preliminary Amendment to address issues raised in the Final Office Action mailed on June 15, 2004.

Claims 1-33 are pending and are rejected. Claims 1, 10, 18, 24, 28, 29, and 32 are amended as suggested by the Examiner. New claims 34-37 are added. Applicant respectfully requests reconsideration for the following reasons.

Applicant incorporates the arguments from the Amendment filed January 20, 2004, and the Supplemental Amendment filed March 26, 2004 that included an Inventor's Declaration.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Applicant thanks Examiner Kaushal and Primary Examiner Fredman for the courtesy of a personal interview on July 28, 2004 with applicant and his undersigned representative.

As required, applicant states that the substance of the interview was the Office Action mailed June 16, 2004. Applicant, as author and inventor of the art of record, explained how his claimed invention is distinguished over his prior cited publication and cited patent, at least because the claimed invention requires dermal cells on the matrix, providing a lamination layer. Applicant clarified that the dermal cells were on an outer surface of the matrix, and has further amended the claims to reflect this. Applicant also explained how Figure 1 in his prior publication could neither anticipate his present invention, at least because Figure 1 does not enable the entire scope of the claimed invention as required for anticipation, nor could it render obvious his present invention, at least because there is no reasonable

expectation of success of achieving the claimed invention without extensive and complex experimentation, as applicant explained, i.e., undue experimentation.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-10, 13-29, and 31-33 are rejected under 35 U.S.C. §102(b) as anticipated by Boyce.

Applicant respectfully reiterates his position that the pending claims are not anticipated because the claims require a dermal cellular layer on a biocompatible reticulated matrix, with the dermal cells providing a cellular lamination layer for cultured epidermal cells, as explained at least at page 20, lines 14-19:

...the fibroblasts or other dermal cells being inoculated need not fill these channels or openings in the matrix before the epidermal cells may be added. Rather, upon inoculation, the dermal cells attach to the reticulation, and thus are able to provide a continuous surface lamination...

Thus, for the reasons stated above and in previous arguments of record, applicant believes the rejection is completely overcome and respectfully requests its withdrawal.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 11-12 and 30 are rejected under 35 U.S.C. §103(a) as obvious over the Boyce publication and '878 patent. Applicant respectfully disagrees, for the reasons stated above and in previous arguments of record, and believes the rejection is completely overcome and requests its withdrawal.

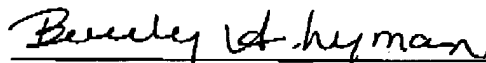
CONCLUSION

In view of the Amendments, as well as the foregoing remarks, applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Applicant has submitted a Request for Continued Examination with this submission, with authorization to charge the \$385 fee to Deposit Account Number 23-3000. Applicant provides authorization to charge \$76 to Deposit Account Number 23-3000 for the additional claims submitted in this Amendment. The Examiner is also authorized to charge any other fee deficiency to Deposit Account Number 23-3000.

The Examiner is invited to telephone the applicant's undersigned representative with any questions.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.



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